

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

ELLERY HARVEST,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:17-CV-227-JRG-CCS
	)	
OFFICER JOHN THOMAS, et al.,	)	
	)	
Defendants.	)	

**ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636(c), the Rules of this Court, and Standing Order 13-02.

Now before the Court is a Motion for Leave to File an Amended Complaint Pursuant to T.C.A. § 20-1-119 and Incorporated Memorandum of Law [Doc. 16]. For grounds, the Plaintiff states that the Defendants' Answers raise the doctrine of comparative fault and identify the following tortfeasors: Days Inn; Daniel Brummitt, the night manager at Days Inn; and Health Care Services Group, the Plaintiff's employer. The Motion states that pursuant to Tennessee Code Annotated § 20-1-119, the Plaintiff has ninety days from the date of the Defendants' Answers to amend the Complaint to include the additional tortfeasors. In addition, the Plaintiff states that the Defendants do not oppose the Motion. Finally, the Plaintiff has attached the proposed Amended Complaint [Doc. 16-1] as an exhibit to his Motion.

The Court finds that the Plaintiff's Motion is supported by good cause, *see* Fed. R. Civ. P. 15, and it complies with the Rules of this Court, *see* E.D. Tenn. L.R. 15.1. In addition, the Defendants do not oppose the Motion, and the Motion is timely pursuant to the Scheduling Order in this case. *See* [Doc. 9 at 3] ("Any motions to amend the pleadings or add new parties must be

filed by January 9, 2018.”). Accordingly, the Motion for Leave to File an Amended Complaint Pursuant to T.C.A. § 20-1-119 and Incorporated Memorandum of Law [**Doc. 16**] is **GRANTED**. The Plaintiff **SHALL FILE** his Amended Complaint [Doc. 16-1] as his operative pleading in CM/ECF on or before **October 19, 2017**.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge